

Oct 08, 2019

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

BENJAMIN E. STUTZKE,

Plaintiff,

v.

STATE,

Defendant.

2:19-CV-00293-SAB

2:19-CV-00245-SAB

**ORDER CONSOLIDATING
CASE NUMBERS 2:19-CV-
00245-SAB AND 2:19-CV-00293-
SAB**

On July 16, 2019, without paying the filing fee or seeking leave to proceed *in forma pauperis*, Plaintiff filed an initial complaint in case number 2:19-CV-00245-SAB. On August 6, 2019, he filed an amended complaint and *in forma pauperis* documents. *Id.*, ECF Nos. 4, 5 & 6. On August 14, 2019, he filed another unsigned amended complaint and additional *in forma pauperis* documents. *Id.*, ECF Nos. 11, 8, 9, & 10.

On August 28, 2019, Mr. Stutzke filed substantially the same complaint, seeking \$4,805,000 in monetary damages, and paid the full \$400 fee (\$350 filing fee plus \$50 administrative fee). Due to administrative error, a new action, 2:19-CV-00293-SAB, was opened.

Because the new case number was opened in error, **IT IS ORDERED** this action shall be consolidated with 2:19-CV-00245, with the complaint in this case,

1 ECF No. 1, filed as an amended complaint in 2:19-CV-00245, and the filing fee
2 paid in this case applied to 2:19-CV-00245.

3 Accordingly, **IT IS HEREBY ORDERED:**

4 1. The Clerk of Court shall **CONSOLIDATE** 2:19-cv-00293-SAB, with
5 2:19-CV-00245-SAB and **FILE**, *nunc pro tunc*, the complaint filed in 2:19-CV-
6 00293-SAB, ECF No. 1, as an amended complaint in 2:19-CV-00245-SAB.

7 2. The Clerk of Court shall apply the filing fee paid in 2:19-CV-00293-
8 SAB to 2:19-CV-00245-SAB and provide a copy of this Order to the Financial
9 Administrator for the United States District Court, Eastern District of Washington,
10 to accomplish this task.

11 3. As Plaintiff's subsequent filings, ECF Nos. 3 & 4, have already been
12 filed in 2:19-CV-00245, ECF Nos. 12 & 13, it is not necessary to re-file them.

13 4. The Clerk of Court shall **FILE** copies of this Order in 2:19-CV-
14 00293-SAB and in 2:19-CV-00245, and **ADMINISTRATIVELY CLOSE** 2:19-
15 CV-00293-SAB.

16 5. Plaintiff shall file no further documents in 2:19-CV-00293-SAB.

17 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order
18 and forward copies to Plaintiff.

19 **DATED** this 8th day of October 2019.



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A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

25 Stanley A. Bastian
26 United States District Judge
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